



May 3, 2016

6:30 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Brent Dixon, George Morrison, Joanne Denney, George Swaney, Darren Josephson, Margaret Wimborne, Julie Foster and Natalie Black.

MEMBERS ABSENT: Donna Cosgrove, James Wyatt.

ALSO PRESENT: Assistant Planning Director, Kerry Beutler and interested citizens.

WORK SESSION: Commissioner Dixon opened the Work Session.

Beutler presented the need for Neighborhood Meetings early in the process when development occurs, so that there is not rooms full of angry people when it comes before the Commission. Beutler indicated that it is suggested in the Comprehensive Plan. Staff is asking for the Commission's opinion on the matter, including: What type of application should have a mandatory meeting; how much should it be regulated; what materials need to be included as proof of the meeting. Wimborne asked if there are any current ordinances or requirements for a meeting. Beutler indicated that the Comp Plan suggests they look for ways to include it, but no ordinance requires it happen. Beutler stated that as part of the application process they ask the applicant if they are going to have a meeting. Swaney suggested taking a graded approach with a minimum of any subdivision preliminary plat or final plat for more than two lots, especially when a preliminary plat is revising a historical preliminary plat. Beutler stated that on final plats there is typically not a public hearing associated with it. Dixon indicated that if there is no public hearing, then there is no need for the neighborhood meeting. Dixon stated that if there is a change of use next to a residential area, then there needs to be a meeting. ~~Beutler indicated that sometimes you don't know that a crowd is going to show up until the actual meeting. Beutler suggested that when a zone is changing it would need a meeting. Dixon added initial annexation as zoning comes with initial annexation.~~ Beutler asked if the Commission would want to require the meeting or have it be optional. Dixon indicated that if the application will impact a number of people then that is who they will meet with. Morrison indicated it is a judgment call and things like residential to commercial cause a big commotion. Black stated she does not think it should be mandatory. Black suggested Staff makes it highly recommended and in the best interest of the developer to meet with the neighbors. Morrison stated that when discussing the application, recommend the neighborhood meeting and tell them that the Planning and Zoning Commission would be interested to see how the meeting goes. Beutler indicated that some developers have seen the benefit of neighborhood meetings and they are starting to see a shift in that direction. Beutler indicated that developers have questions, as to where to meet, how many people to include, etc. Wimborne stated that she agrees that it make sense to identify some applications and start with a "highly recommended" approach and see if developers embrace that and if not, maybe down the road it will become mandatory. Swaney stated that he agrees with

Black that it does not need to be mandatory. Swaney stated that he would like Staff to advise the Commission if they recommended that the developer have a meeting and have it noted in the staff report whether the meeting occurred or not. Dixon asked if it will be more difficult for Staff if it is only recommended as opposed to mandatory under certain circumstances, so it is black and white for developers. Beutler stated that applicants that do not want anyone involved, might not like the discussion, but most applicants come and visit ahead of time and are involved and they talk about what the neighbors would think, so no additional effort on staff's part would be needed. Dixon suggested encouraging it in certain circumstances, and then giving the Commission the authority that after a hearing, but prior to it moving forward to City Council to require a neighborhood meeting at the Commission's discretion. Black agreed with Dixon's suggestion that it would have some enforcement without having an absolute requirement. Swaney stated that they could table the application until they have a neighborhood meeting. Foster asked if the purpose of the neighborhood meeting is to inform or to resolve. ~~Beutler stated that later in the process neighbors have picked teams.~~ Wimborne indicated that the application would need to come back to the Commission after the meeting. Black stated that sometimes, even after the developer has a meeting the application is still contentious, but the developer did what they were supposed to do. Beutler stated that sometimes the crowd has concerns that the Commission has no control over, such as property values. Dixon indicated they would have to use the neighborhood meeting with caution when there really are some things that could be resolved by working together. Wimborne stated that sometimes the application can be completely legal and the neighbors just might not like it. Dixon asked if through the standard notification process, if the developer wanted to have a meeting they could piggyback off of that notification as a way to notify neighbors. Beutler stated that it would have to happen after they made application and prior to the planning commission hearing.

Darryl Kofoed, HLE, 985 Capital, Idaho Falls, Idaho. Kofoed stated that a neighborhood meeting could fix a lot of problems and sometimes it could precipitate the problem. If the meeting goes well then the big questions will be taken care of, and if it goes poorly then the neighbors will go and choose sides and it could get heated.

Swaney stated that some of the value of the neighborhood meeting would be to find the issues and the positions of the neighbors as it can make things go faster in the public hearing when the neighbors bring testimony and can choose a few speakers to state the problem, instead of the whole group stating the same problem. Beutler stated that he will put a list of recommended application types for a neighborhood meeting and recommendations as to what would be a good way to conduct a neighborhood meeting and bring it back to the Commission for review next month and start off with a recommendation of standards. Dixon asked Beutler to check with legal to see if the Commission needs authority to require the meeting.

CALL TO ORDER: Chairman Dixon called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

CHANGE TO AGENDA: None.

Minutes: Wimborne moved to approve the minutes of April 5, 2016, Morrison seconded the motion and it passed unanimously.

Public Hearings:

1. ANNEXATION/INITIAL ZONING. (Heritage Park). Beutler presented the staff report, a part of the record. Black asked about the small sliver of land that is County, and asked whether it is the same ownership as the City property adjacent. Dixon and Beutler discussed the property on the east side of the river. Beutler indicated that the property is private and owned by Rocky Mountain Power and has power equipment/substation. Dixon asked if the City will still allow the access to the roads and paths on the property. Beutler stated that he has not heard of any intent to fence the property.

Dixon opened the public hearing.

No one appeared in support or opposition to the application.

Dixon closed the public hearing.

Morrison moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of R-1 for the Heritage Park property as presented, Wimborne seconded the motion and it passed unanimously.

2. ANNEXATION/INITIAL ZONING. (Hult Property). Beutler presented the staff report, a part of the record. Dixon asked if the mobile home park would fit within the HC-1. Beutler indicated it would become a non-conforming use. Beutler indicated that the applicant's intent is to have the mobile home park and homes removed within the next nine months and not have any residential use on the property. Dixon asked if this property and HC-1 would fit with the Comprehensive Plan as the back portion of the property is in a different area of the Comprehensive Plan. Beutler indicated that the Comprehensive Plan is not meant to be well defined boundaries. Beutler stated that HC-1 is a more intense commercial zoning designation and thus would fit with the intent of the Comprehensive Plan. Beutler stated that as the property is annexed curb gutter and sidewalk improvements will be required along the frontage when development occurs.

Dixon opened the public hearing.

Applicant:

Darryl Kofoed, HLE, 985 N. Capital Ave., Idaho Falls, Idaho. Kofoed indicated that the plans for the property are to put an office park on the property. Kofoed indicated that the mobile homes will move out as the leases come due.

No one appeared in support or opposition to the application.

Dixon closed the public hearing.

Wimborne asked if there needs to be anything addressed in the motion for the mobile home use. Beutler stated that once the City annexes the property it will become a non-conforming use, but because they were established prior to it being annexed, and the City annexed it with the mobile homes, it would be a legal non-conforming use so the use could continue until it is vacated and it cannot be replaced. Swaney verified that once the annexation and initial HC-1 Zoning is implemented and when development occurs, curb and gutter and landscaping requirements will be required. Beutler agreed that all of the minimum standards of the City and the zone will apply.

Morrison moved to recommend to the Mayor and City Council approval of the Annexation with Initial Zoning of HC-1 for the Hult Property as presented, Denney seconded the motion and it passed unanimously.

Business:

3. Plat 16-011: FINAL PLAT. Rose Nielsen Division 109 3rd Amended. Beutler presented the staff report, a part of the record. Dixon asked where on the plat the cross-access agreement is shown. Beutler indicated it is in a private agreement/easement document between the land owners and is not shown on the plat by way of an easement. Dixon asked if the new owners comply with the cross easement agreement, even though the sale of the property was technically illegal. Beutler confirmed it is a private agreement and still applies to the property and any successors and assigns. Dixon and Beutler confirmed that there is access to the light and the northern properties that are not included in the application.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Rose Nielsen Division 109 3rd Amended as presented, Wimborne seconded the motion and it passed unanimously.

Dixon adjourned the regular meeting and resumed the work session.

2. Work Session. Dixon gave the Commissioners a work product he created and asked the Commission to review it and give him revisions before the next time they meet with the County. Wimborne asked Dixon what his goal is with the document. Dixon stated that he wants to show that what is going on is not consistent with the State Statutes, which includes following the statutes for City and County and give a reason why things need to change because development is going on that is harming the intent of the statutes to provide for an equitable contribution to municipal services. Dixon gave an overview of the document he prepared. Dixon discussed the urban development that the County is doing. Dixon indicated that the County has over 10,000 acres identified for urban development. Dixon wants the proposal to be that anything that is urban density gets put into some City's Area of Impact. Beutler pulled up the County's Comprehensive Plan Map and reviewed the areas that are urban development. Swaney indicated that rural residential is just large lot subdivisions, which is not what was originally intended for that classification. Dixon and Swaney discussed the fact that the County has been developing as if it was an incorporated area, ~~like Orange County~~. Dixon asked if his document was brought out in a public hearing is there anything that the Commissioners do not like. Foster indicated that the last statement is inflammatory and needs to be removed. Swaney indicated other areas that are inflammatory and need to be tempered so as to not cause a fight. Swaney stated that this document establishes the purpose and where the City is trying to go with the revised area of impact. Dixon stated that they should extend the lines to anything that is planned to be urban density and if that is too many decades of development then the County needs to revise their Comprehensive Plan to reduce their acreage, otherwise the urban density should be included in an incorporated City. Morrison stated that some of the people on the County appear to be getting tired of the stalling by Beck and Serr and this document could encourage the group to get off of center. Wimborne believes there are people on the County Commission that would take issue and argue with this document and the way it is captured. Wimborne stated that she thinks there is a philosophical divide. Wimborne stated that this document will not change the County's philosophy. Foster suggested providing it as back up data and not make it the focus of the

negotiations with the County. Dixon asked staff if the Commissioners are to draw the lines or provide a recommendation and possibly have two recommendations one from City and one from County if there is not an agreement reached. Beutler agreed that ultimately the Planning Commissioners are making a recommendation, but staff would like to see one recommendation made with a unified recommendation. Beutler stated that after the map is decided there is public involvement, additional conversation and discussion about polices. Beutler stated that by the work plan the first task is to define a line. Wimborne stated that the key to agreeing on the map will be dividing the discussion into chunks on the maps. Denney stated that the City Planning Commissioners need to be in agreement on the lines on the map. Beutler indicated that the map to review tonight is amended and modified with new lines. Dixon suggested including his work document as a recommendation from the City's side for the public to view. Swaney stated that during the meeting that had sewer and power people there to justify and explain why the line could be in the area suggested, but the contention through the whole meeting is the thought that the City is expanding too rapidly. Dixon asked the Commissioners to provide comments to the Staff on his write up. Wimborne clarified that Dixon wants to give the write up to the county and try to get an agreement or is the intention to use the write up as the process continues to use for public comment and the conversations with the public. Dixon suggests giving it to the County as what they want included as part of their recommendations to the Mayor, City Council and County Commissioners and would be available for the public hearing. Wimborne suggested that the City use the write up as the guiding principal as they negotiate the lines and when there is an agreement on the lines, then submit the write up as the document that has been followed and now want it incorporated. Wimborne feels that if the document is presented at the next meeting that the philosophical differences will not be reconciled. Dixon clarified that the other commissioners want to use the document as a basis of how the City is deciding where the line goes and they can continue to tune the document before it is ready to be shown to the County. Dixon surmised that the Commissioners will provide written comments to staff, then the new version with any additions can be discussed at the next planning meeting and it does not get presented to the County until everybody has a chance to comment, update and decide whether to present it. Beutler gave an overview of the new and improved map. Beutler indicated that County is very focused on "years" so Staff addressed that concern and scaled the line back to get closer to the acreage that the County is looking for in terms of years. Beutler stated that they took out places that are just adding acreage, but probably won't develop such as the agricultural land near the Busch Plant. ~~Beutler clarified that the only use the Area of Impact has to the City, is if someone does not want to be in the City, but they are contiguous and the City wants them annexed, they can be annexed and brought into the City.~~ Beutler continued to show the new line on the map that has been retracted significantly. The Commission agreed that the amended map should be presented at the next joint Planning Commission meeting.

Respectfully Submitted

Beckie Thompson, Recorder